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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Arab Association for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Delegitimization of the Palestinian Arab Minority in Israel Fuels Violence and Undermines Basic Democratic Principles

1. Last year, on the eve of his reelection, the prime minister of Israel Benjamin Netanyahu set the tenor of the government's treatment of the Palestinian Arab minority by warning publicly: "The Arabs are coming out to the polls in droves." Since then, an escalation of violence and a severe security response have only confirmed the dire realities of Palestinian Arab citizens living under an Israeli regime that is hostile to their very presence.

2. This submission discusses only a few manifestations of that hostility—showing Israel's transition from mere marginalization and toward downright delegitimization of the Palestinian Arab minority—by which the lives, liberties, rights and status of Palestinian citizens of Israel are treated as conditional and inferior. Not only does this racism impair basic democratic principles, but it also threatens to inflame tensions both within Israel and in the surrounding region and to undermine the universal realization of human rights.

Background of Discrimination

3. Israel has refused consistently to enshrine into its Basic Laws an explicit guarantee of equality and non-discrimination, leaving the Palestinian Arab minority, which constitutes roughly 20% of the population, vulnerable and destitute. The most recent government statistics show the Arab minority's poverty rate at a staggering 52.6%, having worsened in recent years.[1] Despite the recent approval of a budgetary plan intended to help the Arab community, decades of institutional discrimination—in development, infrastructure, housing, education, employment, etc.—have left the Palestinian Arab minority impoverished.

4. This systemic discrimination is both reflected and reinforced by the attitudes of the Israeli public. A recent report by the Israel Democracy Institute found that among the Israeli Jewish majority:

- 73.6% prefer important security decisions to be made by Jewish majorities, rather than by Arabs, and 53.6% would require Jewish majorities for decisions on governance, society and the economy;
- 56.6% oppose the inclusion of Arab parties or ministers in the government;
- 39% regard Palestinian Arab citizens as a security threat.[2]

Additionally, a recent poll by the Institute for National Security Studies found that:

- 44% of Israeli Jews regard Palestinian Arab citizens as people to be treated with suspicion;
- A further 36% regard Palestinian Arab citizens as "enemies."[3]

5. Rather than combat the proliferation of racist sentiment among the public, the Israeli government has often incited toward greater animosity and fear. In addition to the statement by Prime Minister Netanyahu mentioned above, other

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[1] *See* 2014 ANNUAL REPORT ON POVERTY AND SOCIAL GAPS, NATIONAL INSURANCE INSTITUTE (2015), http://www.btl.gov.il/Publications/oni_report/Documents/oni2014.pdf.
[2] *See Israeli Democracy Index*, ISRAEL DEMOCRACY INSTITUTE, (2015), http://en.idi.org.il/media/4256544/democracy_index_2015_eng.pdf.
[3] *See* Danna Harman, *Poll: More Than a Third of Jewish Israelis See Arab Citizens as 'Enemies'*, HAARETZ (Jan. 20, 2016), http://www.haaretz.com/israel-news/.premium-1.698370.

politicians have made public statements demonizing all Palestinians as "snakes" and enemy combatants,[4] or boasting of having "killed lots of Arabs."[5] In October 2015, crowds of Jewish extremists were seen assaulting Palestinian Arabs in Jerusalem while chanting "Death to Arabs." In the midst of that madness, Jerusalem Mayor Nir Barkat exhorted Israeli civilians to take up personal firearms against alleged terrorists—"It's like a military reserve duty."[6]

6. Mob violence and other crimes targeting the Palestinian Arab minority have been enabled in this climate of hostility, resulting in attacks on Arabs, Jews and foreigners alike. The State of Israel is obligated under international human rights law not only to prohibit incitement by its own agents, but also to prevent or to prosecute such violations as may arise from private persons.

7. Moreover, the delegitimization of Palestinian Arab citizens has extended to Arab politicians. After Arab Knesset members met with the families of Palestinians who were killed without their bodies being returned for burial, the government initiated a bill to suspend lawmakers for "unbefitting behavior."[7]

Devaluation of Palestinian Life

8. Since the escalation of violence that erupted late last year, Israeli forces have killed over 100 Palestinians both in Israel and in the occupied Palestinian territory. While Israel has the right and duty to maintain public order and safety, its willingness and eagerness to use force suggest that the rights to life, liberty and bodily security of Palestinian Arabs are not respected seriously.

9. Two incidents in October 2015 are highly indicative of this approach: the police killing of 19-year-old Fadi Alloun near the Old City of Jerusalem, and the police shooting of 30-year-old Asraa Abed in the northern Israeli city Afula. Although both were claimed by police to be involved in stabbing incidents, video footage of both shootings shows patently that neither posed an imminent threat to anyone. These shootings appear less akin to proper law enforcement than to summary executions; but a widespread failure to investigate incidents of police violence has enabled law enforcement to act with impunity.[8]

10. International human rights law demands that law enforcement exercise great restraint and employ lethal force only as a last result, when absolutely necessary and proportional for a lawful objective. No emergency or state of exception can relax the absolute prohibition on the arbitrary deprivation of life. The staggering amount of casualties in recent months suggests one thing: the lives of Palestinian Arabs do not matter in Israel. This compels not only a review of the rules of engagement that permitted them, but also a thorough investigation and prosecution of possible violations.

11. The HRA notes further the recent approval of policies that threaten to increase police abuse against the Palestinian Arab minority. In September 2015, the security cabinet relaxed the rules of engagement to permit law enforcement to use .22-caliber live ammunition in Jerusalem. This month, the Knesset passed a law that permits police to "stop-and-frisk" individuals on the basis of a reasonable suspicion—a standard that disproportionately affects minorities, especially Arabs.

Dispossess and Punish

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[4] *See, e.g.*, Ishaan Tharoor, *Israel's New Justice Minister Considers All Palestinians to Be 'the Enemy'*, WASHINGTON POST (May 7, 2015), https://www.washingtonpost.com/news/worldviews/wp/2015/05/07/israels-new-justice-minister-considers-all-palestinians-to-be-the-enemy/.

[5] Ariel Ben Solomon, *Bennett Under Fire for Comments About Killing Arabs*, JPOST (Jul. 30, 2013), http://www.jpost.com/Diplomacy-and-Politics/Bennett-under-fire-for-comments-about-killing-Arabs-321467.

[6] Nir Hasson, *Jerusalem Mayor Calls on Civilians to Carry Weapons in Wake of Terror Attacks*, HAARETZ (Oct. 8, 2015), http://www.haaretz.com/israel-news/.premium-1.679383.

[7] *See* Barak Ravid et al., *Netanyahu, Coalition Party Heads Agree to Advance Bill That Could Suspend Israeli Arab MKs*, HAARETZ (Feb. 7, 2015), http://www.haaretz.com/.premium-1.701942.

[8] *See, e.g.*, *Concluding Observations*, para. 30, U.N. Doc. CERD/C/ISR/CO/13 (2007).

12. Israel has imposed exceedingly harsh penalties upon Palestinian Arabs convicted of security-related offenses. However, two forms of punishment warrant special attention. The first concerns the revocation or withholding of social benefits and legal status. For example, individuals convicted of throwing stones may have their National Insurance benefits stripped, and the parents of minors convicted of throwing stones will have their benefits withheld for the duration of their child's sentence. Israel has moved or threatened to revoke the citizenship or residency status of Palestinian Arabs charged with security offenses. Last month, Interior Minister Dery revoked the permanent residency status of four Palestinian Arabs indicted, but not convicted, for security offenses.[9]

13. The second concerns the continued practice of demolishing the family homes of Palestinian Arabs charged or convicted for security offenses. This practice, which has continued into 2016, has been given judicial imprimatur by the Israeli High Court of Justice.

14. Such measures are profoundly troubling for they obliterate a great number of human rights: e.g., the rights to nationality, social security, family life, housing and movement. Particularly regarding the Palestinian residents of occupied East Jerusalem, such policies serve only to dispossess an already stateless population. And in cases where the rights of suspects' or convicts' families are affected, fundamental guarantees of due process, and against collective punishment, are violated—contrary to both international human rights and humanitarian law. All of these show a systemic denial of the value and status of Palestinian Arabs, either as citizens or as residents, that tends toward the dispossession of an already disenfranchised minority.

Conclusion

15. The developments of recent months reveal that human and civil rights in the State of Israel are granted conditionally and capriciously to Palestinian Arabs. This grim reality exacerbates tensions, fuels violence, undermines the rule of law and frustrates any serious commitment to the universality of human rights. On the basis of the above, the HRA urges the Council to:

- Condemn anti-Arab incitement in Israel and reiterate the necessity of Israel to incorporate, explicitly and unqualifiedly, the principles of equality and non-discrimination into its laws and policies;
- Condemn Israeli police violence and call for the thorough investigations of possible violations;
- Demand that Israel's penal system comply with international human rights standards, apply only to the individuals convicted in a court of law, and cease immediately the policy of punitive house demolitions;
- Call upon Israel to take effective and immediate measures to guarantee the empowerment and full enjoyment of human rights of the Palestinian Arab minority.

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[9] *See* Ilan Lior, *Israel Revokes Residency of Four East Jerusalemites Indicted for Terror Attacks*, HAARETZ (Jan. 21, 2016), http://www.haaretz.com/israel-news/.premium-1.698790.